

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: TOMOOKA, K., et al.
Serial No: (Continuation of 09/907,939)
Group Art Unit: 2733 (Anticipated)
Examiner: K. Negash (Anticipated)
Filed: Herewith
For: OPTICAL TRANSMISSION SYSTEM CONSTRUCTING METHOD
AND SYSTEM

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

☒ 1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.

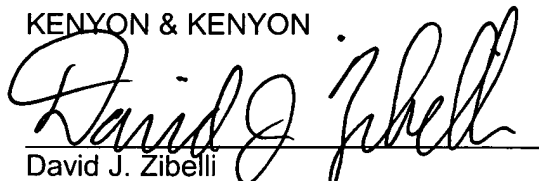
☒ 5. The references were cited in office actions in counterpart foreign applications. English language version of the foreign corresponding foreign office actions and responses thereto are attached for the Examiner's information.

☐ 6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.

- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
- ☐ 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
- ☒ 9. The reference(s) was/were cited by or submitted to the Office in parent application No. 09/907,939, filed 07/19/01, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
- ☐ 10. English-language Abstracts of the non-English language references are attached hereto.
- ☐ 11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.
- ☐ 12. Other.

Respectfully submitted,

KENYON & KENYON


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Registration No. 36,394

Date: February 13, 2004

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Please type a plus sign (+) inside this box +

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	
Filing Date	
First Named Inventor	TOMOOKA, K., et al.
Group Art Unit	2733
Examiner Name	K. Negash
Attorney Docket Number	29287/142

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,555,477	357/115	Tomooka et al.	09/10/96	
		5,535,037	357/177	Yoneyama	07/09/96	
		5,500,756	357/174	Tsushima et al.	03/19/96	
		5,440,418	359/177	Ishimura et al.	08/08/95	
		5,396,360	359/174	Mjima	03/07/95	
		5,343,464	370/16	Lino, et al.	08/30/94	
		5,343,320	359/160	Anderson	08/30/94	
		5,339,187	359/173	Nelson	08/16/94	
		5,327,275	359/173	Yamane, et al.	07/5/94	
		5,315,426	359/180	Aoki	05/24/94	
		5,300,328	427/388	Reh fuss	04/5/94	
		5,227,908	359/173	Henmi	07/13/93	
		5,113,459	385/24	Grasso, et al.	05/12/92	
		5,043,976	359/110	Abiven, et al.	08/27/91	
		4,979,234	359/173	Agrawa, et al.	12/18/90	
		4,680,776	375/40	Ikeuchi, et al.	07/14/87	
		6,018,405	359/134	Tomooka, et al.	01/25/00	
		5,668,658	359/341	Hamada	09/16/97	
		5,546,213	359/179	Suyama	08/13/96	
		5,535,037	359/177	Yoneyama	07/09/96	
		5,291,326	359/160	Heidemann	03/01/94	
		6,266,169	359/134	Tomooka et al.	07/24/01	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
			3-258038		Toru Enomoto	11-18-1991	H04B10/08	
			3-270520		Mitsuo Kitamura	12-2-1991	H04B10/08	
			3-214936		Shinji Matsuoka	9-20-1991	H04B10/16	
			3-267829		Junichiro Yamashita	11-28-1991	H04B10/20	
			2-297027		Koji Kikushima	12-7-1990	G01J1/44	
			4-29123		Shigeto Nishi	1-31-1992	G02F1/35	
			2-266245		Tadatoshi Tanifuji	10-31-1990	G01M11/00	
			3-62638		Atshushi Takada	3-18-1991	H04B10/06	
			1-7727		Kazuto Tajima	1-11-1989	H04B9/00	
			57-4625		Akira Mita	1-11-1982	H04B9/00	
			2-126802		Toshifumi Tamura	1-27-1992	H04B9/00	
			2-11771		Takanori Maki	1-20-1992	H04B9/00	
			0-440-276			1-15-1991	N/A	
			55-160003		Nomura Yoshio, et al.	5-25-1982	H04B/00	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number

Filing Date

First Named Inventor

TOMOOKA, K., et al.

Group Art Unit

2733

Examiner Name

K. Negash

Attorney Docket Number

29287/142

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Examiner Name	
Sheet	3	of	3	Attorney Docket Number	29287/121

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KAZUO AIDA, et al.; IM/DD Optical Transmission Systems Using Optical Amplifiers; NTT R&D Vol. 40 No. 2 1991	
		SAITO, Prechirp Technique for Dispersion Compensation for a High-Speed Long-Span Transmission; IEEE (1991) Vol., No. 1	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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